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By


Lata Olivier

PATENT

Attorney Docket No. 002558-060520US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of:

Kenneth James Pettipiece

Application No.: 09/536,932

Filed: 03/27/2000

For: SPECTRAL IMAGING APPARATUS
AND METHODOLOGY

Examiner: Lew, Hwa S.

Art Unit: 2877

APPELLANT'S REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer, applicant wishes to discuss the following:

In an amendment filed August 26, 2002, applicant intended to amend claim 12 so that it recited "wherein said polarizing beam splitter substantially reflects a first preferred polarization and substantially transmits a second preferred polarization." This is supported by the remarks. Unfortunately, in both the amendment section and the "version to show changes made," the amendments were unfortunately not consistent. Thus, the Examiner is correct that claim 12 and presently standing and as presently examined recites "... polarizing beam splitters substantially reflects a first polarization and substantially transmits a second preferred polarization." Appellant wished for claim 12 to recite "...polarizing beam splitter

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substantially reflects a first preferred polarization and substantially transmits a second preferred polarization."

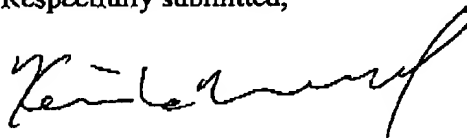
It is respectfully submitted that none of the cited references disclose a spectral imaging system configured to provide an image of a sample that comprises, among other things, one polarizing beam splitter that substantially reflects a first preferred polarization and substantially transmits a second preferred polarization.

CONCLUSION

In view of the foregoing remarks, Appellants respectfully request that the obviousness rejection as to all the pending claims be reversed.

Please deduct the requisite fee, pursuant to 37 CFR § 1.17(c), of \$320 from deposit account 20-1430 and any additional fees associated with this Brief. This Brief is submitted in triplicate.

Respectfully submitted,



Kevin T. LeMond
Reg. No. 35,933

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
(415) 576-0200
Fax (415) 576-0300
KTL/lo

Atty Docket No. 002558-060520US

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ATTENTION: Examiner H. Lee
TELEPHONE NO.:

Group Art Unit 2877

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Document(s) Attached

1. Appellant's Reply Brief

Number of pages being transmitted, including this page: 3

Dated: 2/13/04



Lata Olivier

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TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Telephone: 415-576-0200
Fax: 415-576-0300
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